**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.**

Crl. Misc. No. 60210-M of 2006

DATE OF DECISION : 20.11.2006

Vishwajeet

**....** PETITIONER

Versus

State of Haryana

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. Lokesh Sinhal, Advocate,
for the petitioner.

Mr. S.S. Patter, Senior DAG, Haryana.

* * *

Petitioner Vishwajeet, apprehending his arrest in a non-bailable offence in case FIR No. 246 dated 6.9.2006, registered at Police Station Kotwali, Faridabad, under Sections 376/511/120-B IPC, has filed this petition under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail.

I have heard counsel for the parties and have gone through the contents of the FIR as well as the order dated 20.9.2006, passed by Additional Sessions Judge (II) Faridabad, whereby bail application of the petitioner has been dismissed.

Counsel for the petitioner contends that the aforesaid FIR has been lodged by the wife of the petitioner on false facts. Actually, no such incident took place and a false FIR has been registered because of matrimonial dispute pending between the parties. Counsel further contends that as per the allegations in the FIR, the petitioner sent one person, who tried to commit rape on the complainant, though no such rape, as per the FIR, was committed.

Counsel for the petitioner further states that in terms of the interim order dated September 28, 2006, the petitioner has joined the investigation. This fact has not been disputed by the State counsel.

In view of the above, without commenting on the merits, the interim bail, granted vide order dated September 28, 2006, is made absolute subject to the same terms and conditions.

This bail order shall remain in operation till the investigation culminates into filing of challan under section 173 Cr.P.C. except for material change in the circumstances. Thereafter the petitioner shall be entitled to the grant of regular bail by the trial court and the same shall further continue till conclusion of the trial on the conditions to be imposed by the court of competent jurisdiction.

Disposed of accordingly.

**November 20, 2006** **( SATISH KUMAR MITTAL )**
ndj **JUDGE**